

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #8	CCRB Case #: 201902426	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/01/2019 , Saturday, 03/02/2019 9:30 PM	Location of Incident: Bushwick Avenue and Flushing Avenue; Inside of 211 Union Avenue	Precinct: 90	18 Mo. SOL 9/2/2020	EO SOL 4/19/2021	
Date/Time CV Reported Tue, 03/05/2019 12:01 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/20/2019 11:07 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Raisul Islam	14215	961830	090 PCT
2. POM Tyler Howe	14840	961822	090 PCT
3. Officers			90 PCT
4. SGT Gregg Minardi	00608	940475	090 PCT
5. POF Paula Medrano	26860	945992	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Shane Wynn	14864	956340	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Tyler Howe	Abuse: On March 1, 2019, Police Officer Tyler Howe questioned § 87(2)(b)	
B.POM Tyler Howe	Abuse: On March 1, 2019, Police Officer Tyler Howe frisked § 87(2)(b)	
C.POM Tyler Howe	Abuse: On March 1, 2019, Police Officer Tyler Howe searched the vehicle in which § 87(2)(b) was an occupant.	
D.SGT Gregg Minardi	Abuse: On March 1, 2019, Sergeant Gregg Minardi searched the vehicle in which § 87(2)(b) was an occupant.	
E.POM Tyler Howe	Abuse: On March 1, 2019, Police Officer Tyler Howe searched § 87(2)(b)	
F.POM Raisul Islam	Abuse: On March 1, 2019, Police Officer Raisul Islam did not obtain medical treatment for § 87(2)(b)	
G. Officers	Abuse: On March 1, 2019, officers did not obtain medical treatment for § 87(2)(b)	
H. Officers	Abuse: On March 1, 2019, officers seized § 87(2)(b)'s property.	
I. Officers	Force: On March 2, 2019, officers used physical force against § 87(2)(b)	
J.POF Paula Medrano	Abuse: On March 2, 2019, Police Officer Paula Medrano interfered with § 87(2)(b)'s use of a recording device.	

Officer(s)	Allegation	Investigator Recommendation
K.POF Paula Medrano	Abuse: On March 2, 2019, Police Officer Paula Medrano threatened to arrest § 87(2)(b)	
L. Officers	Abuse: On March 2, 2019, Officers refused to provide their names to § 87(2)(b)	
M. Officers	Abuse: On March 2, 2019, Officers refused to provide their shield numbers to § 87(2)(b)	

Case Summary

On March 5, 2019, § 87(2)(b) filed the following complaint with the Internal Affairs Bureau on behalf of her son, § 87(2)(b) generating original IAB log #2019-10071. The CCRB received the complaint on March 20, 2019.

On March 1, 2019, § 87(2)(b) was with his friend § 87(2)(b) who was unavailable to the investigation, when he was pulled over by PO Tyler Howe of the 90th Precinct at the intersection of Bushwick Avenue and Flushing Avenue in Brooklyn. PO Howe was with Sgt. Gregg Minardi and PO Shane Wynn from the 90th Precinct. Upon approaching § 87(2)(b)'s driver side, PO Howe asked § 87(2)(b) when he had last smoked, as he smelled marijuana in the vehicle (**Allegation A: Abuse of Authority**; § 87(2)(g) PO Howe directed § 87(2)(b) to exit the vehicle, frisked him, and allegedly searched him (**Allegations B and C: Abuse of Authority**; § 87(2)(g) PO Howe and Sgt. Minardi then searched the vehicle, recovering marijuana and various controlled substances (**Allegations D and E: Abuse of Authority**; § 87(2)(g) § 87(2)(b) was arrested and transported to the 90th Precinct stationhouse. While inside the holding cells of the stationhouse he repeatedly asked officers, including the cell attendant PO Raisul Islam of the 90th Precinct, for his seizure medication, which had been taken during his arrest (**Allegations F through H: Abuse of Authority**; § 87(2)(g) After four hours, § 87(2)(b) was processed at Brooklyn Central Booking, where he met his friend § 87(2)(b) § 87(2)(b) after being charged with § 87(2)(b).

On March 2, 2019, at approximately 9:30 p.m., § 87(2)(b) and § 87(2)(b) went to the 90th Precinct stationhouse to retrieve § 87(2)(b)'s car. § 87(2)(b) and officers engaged in a back and forth argument regarding § 87(2)(b)'s car. § 87(2)(b) was asked to leave the stationhouse, which he refused. He was then pushed up against the glass window of the stationhouse and arrested (**Allegation I: Force**; § 87(2)(g) § 87(2)(b) who was recording this interaction on his cellphone, was approached by PO Paula Medrano, who told him to stop recording and threatened to arrest him if he did not do so (**Allegations J and K: Abuse of Authority**; § 87(2)(g) § 87(2)(b) later allegedly asked for the names and shield numbers of various officers, which they refused to provide (**Allegations L and M: Abuse of Authority**; § 87(2)(g) § 87(2)(b) was later removed to § 87(2)(b) in Brooklyn after fainting in the holding cell.

Body-worn camera (BWC) footage was obtained from PO Howe, Sgt. Minardi, PO Wynn on March 1, 2019 and PO Vincent Piselli, Lt. Timothy Fox, PO Joel Rajkumar, and PO Islam on March 2, 2019 [BR01 through BR07, respectively]. Cellphone footage taken by § 87(2)(b) of the March 2 incident was also provided to the investigation [BR08].

Findings and Recommendations

Allegation (A) Abuse of Authority: On March 1, 2019, Police Officer Tyler Howe questioned § 87(2)(b)

It is undisputed that PO Howe stopped § 87(2)(b)'s vehicle for a covered license plate and questioned him about smoking marijuana that day.

§ 87(2)(b) testified that he was driving to a friend's house when he was pulled over while stopped at a traffic light. He denied switching lanes or failing to signal prior to being pulled over. PO Howe approached § 87(2)(b)'s driver side window and asked for his license, registration, and insurance, which he provided. PO Howe then asked him to step out of the vehicle, which he complied with. § 87(2)(b) did not testify that PO Howe questioned him regarding the odor of marijuana [BR09].

PO Howe testified that he pulled § 87(2)(b) over regarding a frame cover on the vehicle's license plate. He approached § 87(2)(b)'s driver side window, directed him to roll down all windows, and requested his license, registration and insurance, which § 87(2)(b) provided. During this, PO Howe smelled the odor of marijuana and asked § 87(2)(b) if he or anyone else had been smoking in the car. Nothing else, aside from the odor, led PO Howe to believe that § 87(2)(b) had consumed marijuana. He did not recall § 87(2)(b) acknowledging smoking marijuana. He then directed § 87(2)(b) to step out of the car, which he complied with [BR10].

Sgt. Minardi and PO Wynn also testified that they could also smell the odor of marijuana in the car [BR11 and BR12, respectively]. BWC footage from PO Howe, Sgt. Minardi, and PO Wynn corroborates the officers' testimonies [BR01, BR02, and BR03, respectively]. Additionally, BWC footage from PO Wynn and PO Howe showed that there was a black frame around § 87(2)(b)'s car, which is visible when the officers first approach the vehicle.

As per Patrol Guide Procedure 212-11, upon reasonable suspicion that a person has committed, is committing, or is about to commit a felony or misdemeanor, a member of service may ask pointed and accusatory questions related to the reason for the stop [BR13].

§ 87(2)(g)

Allegation (B) Abuse of Authority: On March 1, 2019, Police Officer Tyler Howe frisked

§ 87(2)(b)

Allegation (C) Abuse of Authority: On March 1, 2019, Police Officer Tyler Howe searched

§ 87(2)(b)

Allegation (D) Abuse of Authority: On March 1, 2019, Police Officer Tyler Howe searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (E) Abuse of Authority: On March 1, 2019, Sergeant Gregg Minardi searched the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that upon exiting his vehicle, § 87(2)(b) was frisked by PO Howe and subsequently questioned by PO Wynn. His vehicle was then searched by PO Howe and Sgt. Minardi.

§ 87(2)(b) testified that upon exiting his vehicle, PO Howe patted down his pockets, rear-pockets, chest armpits, and in between his legs. PO Howe then went into his front and rear pant pockets, both his jacket pockets, and the interior breast pocket of his jacket. He and § 87(2)(b) were then directed to the rear of the vehicle. § 87(2)(b) periodically looked behind him and observed PO Howe searching the interior of his car, going into the center console, the glove compartment, and the backseat of the vehicle. PO Howe then unlocked the trunk and directed § 87(2)(b) and § 87(2)(b) back into the vehicle. § 87(2)(b) watched through his rearview window as PO Howe and Sgt. Minardi searched his trunk. The officers recovered less than ten prescriptions, all labeled and prescribed to him, which were various medications for his recent surgery. Once the search concluded, PO Howe directed § 87(2)(b) out of the vehicle and handcuffed him. § 87(2)(b) was informed that he was free to leave [BR09].

PO Howe testified that he frisked § 87(2)(b)'s upper body, as he was wearing a jacket. He stated that he did not conduct a search of § 87(2)(b) at this time. PO Howe then searched the interior of the vehicle, where he recovered two small bags of marijuana, which he believed were in the center console. No officer assisted in this search. He then moved to the trunk, where he

recovered a duffel bag containing vegetative marijuana, THC oils, and edibles. He also recovered a shoebox filled with 1500 pills in prescription style bottles. Some of these bottles were prescribed to § 87(2)(b) but other bottles, containing controlled substances, were not. He then called over Sgt. Minardi to show him his findings. Afterwards, he arrested § 87(2)(b) for § 87(2)(b) [BR10].

Sgt. Minardi and PO Howe Wynn were consistent with PO Howe [BR11 and BR12, respectively]. PO Wynn that he and Sgt. Minardi made small talk with § 87(2)(b) and § 87(2)(b) while they were at the rear of the car, but did not question him.

BWC footage from PO Howe corroborated that he frisked § 87(2)(b) at 02:05 minutes, but it was unclear if he also searched § 87(2)(b) [BR01]. Footage from PO Wynn's BWC showed that, at 02:24 minutes, he asked § 87(2)(b) if he had anything else in the vehicle that they should be aware of, which § 87(2)(b) denied, but did not ask him any additional questions [BR03]. BWC footage showed that Sgt. Minardi assisted in searching § 87(2)(b)'s trunk.

People v Chestnut 43 A.D. 2d 260 (1974) states that the smell of marijuana smoke, with nothing more, is sufficient to provide police officers with probable cause to search an automobile and its occupants [BR14].

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (F) Abuse of Authority: On March 1, 2019, Police Officer Raisul Islam did not obtain medical treatment for § 87(2)(b)

Allegation (G) Abuse of Authority: On March 1, 2019, officers did not obtain medical treatment for § 87(2)(b)

Allegation (H) Abuse of Authority: On March 1, 2019, officers seized § 87(2)(b)'s property.

It is undisputed that officers vouchered § 87(2)(b)'s property, § 87(2)(g)
[REDACTED]
[REDACTED]

§ 87(2)(b) testified that upon arriving at the 90th Precinct stationhouse, he was taken directly to the holding cell, where PO Howe, Sgt. Minardi, and PO Wynn searched him again. The officers removed a golden medical bracelet from him, which stated his status as an epileptic and provided the phone number should he need medical treatment. After he was searched, § 87(2)(b) told the officers that he was epileptic and needed his seizure medication that was removed from the trunk, but no officer responded. PO Islam, who was the cell attendant during this time, periodically inspected § 87(2)(b)'s medical bracelet. § 87(2)(b) told PO Islam that he needed medical attention, which he did not respond to. While in the holding cell and during transport to Brooklyn Central Booking, § 87(2)(b) continually asked approximately four other officers for his medication, but no officer responded to his request. He did not at any point ask to go to the hospital [BR09].

PO Islam testified that he was present when § 87(2)(b) was placed into the holding cell, but was not responsible for removing his possessions. He recalled seeing a medical bracelet removed from § 87(2)(b). He did not recall § 87(2)(b) requesting medical attention or informing him of his medical status [BR15]. PO Howe, Sgt. Minardi, and PO Wynn all testified that § 87(2)(b)

§ 87(2)(b) did not request his epilepsy medication while in the holding cell and did not recall seeing a golden medical bracelet [BR10, BR11, and BR12, respectively]. PO Howe testified he recovered Gabapentin inside § 87(2)(b)'s trunk, which is a “low-grade” painkiller usually prescribed for seizures. BWC footage did not show any officer refusing to provide medical attention to § 87(2)(b) however the video ended while § 87(2)(b) was being placed into the holding cell [BR01 through BR03].

§ 87(2)(g)

Allegation (I) Force: On March 2, 2019, officers used physical force against § 87(2)(b)

Allegation (J) Abuse of Authority: On March 2, 2019, Police Officer Paula Medrano interfered with § 87(2)(b)'s use of a recording device.

Allegation (K) Abuse of Authority: On March 2, 2019, Police Officer Paula Medrano threatened to arrest § 87(2)(b)

Allegation (L) Abuse of Authority: On March 2, 2019, officers refused to provide their names to § 87(2)(b)

Allegation (M) Abuse of Authority: On March 2, 2019, officers refused to provide their shield numbers to § 87(2)(b)

§ 87(2)(g)

Additionally, it is undisputed that PO Medrano told § 87(2)(b) to stop recording and threatened to arrest him.

§ 87(2)(b) testified that he and § 87(2)(b) returned to the 90th Precinct stationhouse on March 2, 2019 to retrieve his car, which had been taken by officers from his arrest the day prior. § 87(2)(b) had a back and forth conversation with an unidentified officer, henceforth referred to as PO1, regarding § 87(2)(b)'s car. PO1 repeatedly told § 87(2)(b) that he had no property at the stationhouse and § 87(2)(b) repeatedly asked to speak with a supervisor. After approximately ten minutes, § 87(2)(b) encountered PO Islam, who reiterated to § 87(2)(b) that he did not have property at the stationhouse. PO Islam then asked § 87(2)(b) to leave the stationhouse; § 87(2)(b) did not know how many times PO Islam asked him to leave, but that after three minutes the officer informed him that if he did not leave he would be arrested for trespassing. § 87(2)(b) was then pushed against a glass window, and was restrained by five officers, including PO Islam. § 87(2)(b) did not know which officer handcuffed him, but noted that PO Islam was credited with his arrest. § 87(2)(b) was then placed inside the holding cell, and was removed to § 87(2)(b) approximately 20 minutes later after losing consciousness inside the cell [BR09].

§ 87(2)(b) testified that he observed the interaction between an officer and § 87(2)(b) who told the officer that he would not leave until he received his car. He began recording on his cellphone when he entered the stationhouse. He observed an officer push § 87(2)(b) against a glass window and handcuff him. As he was recording this, PO Medrano approached § 87(2)(b) told him to stop recording, and that if he did not, he would be arrested. She then pointed to a sign stating that it was prohibited to record inside the stationhouse. § 87(2)(b) continued filming outside the stationhouse, and reentered with his cellphone still in his pocket capturing audio. He remained in the civilian waiting area, and asked the officers for their names and shield numbers,

which they did not provide. He then exited to stationhouse to call § 87(2)(b)'s mother. He stated that the cellphone footage he took captured the entire incident [BR16].

PO Islam testified that § 87(2)(b) was told to leave the stationhouse multiple times, and was subsequently arrested for trespassing after refusing to do so. He did not place § 87(2)(b) against a glass window in order to restrain him and did not observe any officer do this [BR15]. PO Medrano did not initially recall the incident, and did not recall an arrest occurring inside the stationhouse or threatening to arrest any individual for recording inside the stationhouse [BR17].

§ 87(2)(b)'s cellphone footage showed officers place § 87(2)(b) against the glass window to handcuff him, but did not show any officer use the force as described by § 87(2)(b) [BR08]. At 00:30 minutes, PO Medrano approached § 87(2)(b) and told him "You're not allowed to record here...No recording, you're gonna get arrested, get off the property." She again tells § 87(2)(b) that he will be arrested if he continues to record and to exit the property. § 87(2)(b) placed his cellphone in his pocket, and the remainder of the video captured the audio of his conversation with the officers. At no point did § 87(2)(b) ask officers for their names and shield numbers. After viewing the cellphone footage, PO Medrano testified that, upon hearing a commotion, she observed § 87(2)(b) recording and informed him recording was not allowed, that he could be arrested for doing so, and to leave the premises. She stated that she was permitted to arrest § 87(2)(b) for recording, as it is unlawful [BR17].

As per Patrol Guide Procedure 203-19, members of the public are not allowed to photograph and/or record within Department facilities, and members of service may order any member doing so to stop such activities. If such person refuses to stop, they then should be ordered to leave the premises. If such person refuses to leave, members of service may take proper enforcement action under the trespass statutes [BR18].

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the third complaint that § 87(2)(b) has been party to [BR19].
- This is the first complaint that § 87(2)(b) has been party to [BR20].
- PO Howe has been a member of service three years and has been subject to five cases and 19 allegations, none of which have been substantiated. § 87(2)(g)

§ 87(2)(b)

- Case #201810683, in which a force, threat of arrest, strip-search, and discourtesy allegation are pled, is under investigation.
- § 87(2)(b)
- Sgt. Minardi has been a member of service for 13 years and has been subject in five prior CCRB complaints and 14 allegations. A frisk allegation for case #201806785 was substantiated and formalized training was given and a failure to provide RTKA card was substantiated for case #201901352 and instructions were given § 87(2)(g). He currently has four open CCRB cases:
 - Case #201810683, in which two physical force allegations and an interference with recording allegation are pled, is under investigation.
 - Case #201900335, in which a vehicle stop, frisk, search – person, question, and two failure to provide RTKA card allegations are pled, is currently under Board Review. § 87(2)(g)
 - § 87(2)(b)
 - Case #201906121, in which a § 87(2)(g) vehicle search, threat of arrest § 87(2)(b) interference with recording, and refusal to provide shield number allegations are pled, is still under investigation.
- PO Islam has been a member of service for three years. This is the first CCRB complaint he has been subject in. § 87(2)(g)
- PO Medrano has been a member of service for 11 years. This is the first CCRB complaint he has been subject in. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation, due to § 87(2)(b)'s arrest.
 - As of September 11, 2019, neither § 87(2)(b) nor § 87(2)(b) filed a Notice of Claim with the New York City Office of the Comptroller for either incident [BR21 and BR22].
 - [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(b)
- § 87(2)(b)
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- § 87(2)(b)

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date